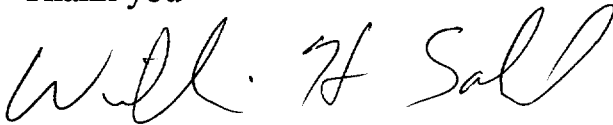January 8, 1999

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

Dear Ms. Salas,

Enclosed is an original plus 10 copies of my Reply Comments on FCC
Docket 98-143.

Thank you

William H. Sohl, K2UNK
29 Netcong Road
Budd Lake, NJ 07828

No. of Copies rec'd 0+10
List ABCDE

Before the
Federal Communications Commission
Washington, D.C. 20544

In the Matter of	)	WT Docket No. 98-143
1998 Biennial Regulatory Review --	)	RM-9148
Amendment of Part 97 of the	)	RM-9150
Commission's Amateur Service Rules.	)	RM-9196

REPLY COMMENTS OF
William H. Sohl, K2UNK
19 Wiscong Road, Budd Lake, NJ 07828
email: billsohl@planet.net

These comments are filed in reply to various comments filed by others who support retaining code speed testing as a requirement for any amateur radio operator's license. Above all, I believe there is a burden of proof incumbent on all license requirements such that they must be justifiable, they must be related to privileges granted and in the absence of any rational justification for any specific requirement, the requirement should be eliminated. In reviewing all the comments filed, it is clear that only a minority favor the status quo for code speed testing of 5, 13 and 20 wpm. In contrast, approximately 50% of those that commented stated a position favoring at most 5 wpm for any license and an end to all code testing when the ITU treaty requirement (S25.5) is eliminated.

The large support for such a significant change in code testing requirements is a major shift away from the importance imparted to code knowledge by licensed hams in prior FCC proceedings on this subject. This dramatic shift has happened in the relatively short time frame of about 10 years. Furthermore, there is no reason to expect that the shift will not continue to move in the direction of nocode testing at all.

Comments for ending/lowering code test requirements are well reasoned and need not be repeated here. In contrast, those that ask for retention of code testing at speed(s) greater than 5 wpm fall into a number of general areas:

Unsubstantiated claims that morse code knowledge is important to amateur radio:
In his comments, C.L. Morgan, K8CM wrote: *"Three levels of telegraphy proficiency remain relevant today ...i.e. 5 wpm... 13 wpm... and 20 wpm..."*
Mr. Morgan makes that statement without explaining or offering any reason(s) why.

Another commentor, R. Carroll, W0EX, wrote: *"Since the Amateur Radio Service is the last remaining entity to utilize (Morse Code) in routine communications, I am convinced that it should be retained as a requirement for licensing at HF as currently required by international treaty so that a pool of trained code operators will exist."*

While the elimination of code testing might result in a reduction in the number of hams that know morse code, Mr. Carroll offers no reason why there is or should be any need for a pool of operators knowledgeable in morse code.

Claims that code knowledge is a differentiator between hams and Citizen Band operators.

For example: E. Skyten, N1NT wrote; *"I believe the code makes the difference between the ham bands and CB bands."* Mr. Skyten's statement completely ignores the licensing involved with hams in contrast to the unlicensed CB service.

Elimination (or reduction) of code testing will result in unqualified people becoming hams:

Mr. A. Haynes, KW5D wrote: *"The anti-CW force aided by the FCC will drag anyone into Amateur Radio, qualified or not."* Mr. Haynes then denigrates the written testing as being "a joke".

Unsubstantiated reliance on Morse Code in an emergency:

Eric Sonnenwald, N2XSE wrote: *"It (CW) is a way to ensure that the operator is proficient in both the most popular operating modes, phone and CW. I don't think anyone would like to be sending a distress call to a bunch of operators that couldn't even copy (code) at three or four words a minute."*

The reality of contemporary emergency communications is that there is no reliance on or expectation of using morse code for emergency traffic. Not one organization that is involved in emergency preparedness has filed any comments supporting an emergency need for morse code knowledge. Indeed, even the past 10 or more years of historical data fails to uncover a single use of or reliance on morse code by any amateur for emergency purposes.

Code testing should be retained because it is traditional within amateur radio:

George McCouch, W3GEO wrote: *"... CW is too fully ingrained into the traditions of the amateur Radio Service to discontinue testing as part of the HF licensing requirements."*
Henry Zion, K7VZ wrote: *"It (CW) is part of our heritage and history."*

The simple question posed by these comments is: What role, if any, should the FCC play in maintaining heritage and tradition within ham radio? The answer for the FCC, as for any government entity MUST be none. Any desire or expectation by individuals or entities to maintain tradition and history falls squarely on those that profess a desire to do so...NOT on all licensed individuals via an arbitrary and outdated code requirement.

Conclusion:

As the FCC reviews the many comments filed on the issue of code testing there must be a basic frame of reference to approach those comments. I would suggest the following are core issues/questions that must be considered:

1. All licensing requirements must be based on clear, logical and compelling need.
2. No licensing requirement can be justified solely on a historical or traditional basis.
3. No licensing requirement should exist only to create an artificial work effort on the part of the applicant.

Application of these three concepts to the issue of code testing results in only one possible reason for any morse code testing to continue. That reason is the International Telecommunication Union (ITU) requirement S25.5. To meet S25.5, the FCC need only retain a test of no greater than 5 wpm for all HF license classes with a "Sunset Clause" that would automatically end the 5 wpm code requirement whenever the ITU ends the S25.5 requirement. Additionally, any FCC code waivers are totally eliminated by having only one code test of no greater than 5 wpm.